

# Town Board Minutes

April 7, 2008

Meeting No. 12

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of April 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPNIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PERSONS ADDRESSING TOWN BOARD:**

**Emily Staebell**, Sertoma Essay Winner, presented her essay titled “Music and Freedom in America”

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- assessment process

**Stelzle, Jim**, Director of Lancaster Public Library

- introduced himself to the Board

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matters:

- Lancaster Rural Cemetery
- geese problem near bodies of water

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matter:

- financial statements of Lancaster Rural Cemetery

**Lukowski, Donna**, 129 Brunck Road, spoke to the Town Board on the following matter:

- permit issued by DEC for Windsor Ridge Subdivision
- told of water problem in her rear yard

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matter:

- Cemetery Association meetings

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- observations and concerns about Lancaster Rural Cemetery

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Pleasant Meadows Associates LLC for a rezone from a Residential Commercial Office District (RCO) to Neighborhood Business District (NB) for property situate at 3798, 3830, 3840, 3850 and 3860 Walden Avenue.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME</b>	<b>ADDRESS</b>	<b>Proponent/ Opponent/ Comments/Questions</b>
Dave Mansell	14 Traceway	Opponent
Dwayne Laufer	12 Traceway	Opponent
Victor Martucci, Vice-President, Marrano Marc Equity Corporation, the petitioner, presented the proposed plan		Proponent
Lee Chowaniec	93 Northwood Drive	Comments
Roy Schneggenburger	87 Stony Road	Comments
Brian Murty, Resident	Walden Trace Subdivision	Opponent
Julia Spohn, Student	Resident of Cheektowaga	Comments
Mike Fronczak	3 Woodstream	Comments
Dan Beutler	26 Tyler Street	Opponent
Brian Benham	31 Traceway	Opponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 9:34 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

April 7, 2008

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held March 17, 2008 and the Regular Meeting of the Town Board held March 17, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	ABSTAINED*
SUPERVISOR GIZA	VOTED YES

Council Member Stempniak was not present at meeting of March 17, 2008.

April 7, 2008

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Selective Traffic Enforcement Program (STEP) to reduce unsafe driving behaviors within the Town, and

**WHEREAS**, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has been notified by the Lancaster Rural Cemetery Association that it is experiencing financial difficulty and now seeks a contribution from the Town for its operating expenses for the year 2008 in the sum of \$5,000, and

**WHEREAS**, the Town Board has reviewed this matter and further has discovered that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, §291 which would place a significant financial burden on town taxpayers, and

**WHEREAS**, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$5,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the beforementioned cemetery.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, a Public Hearing was held on the 17th day of March, 2008 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on April 7, 2008;
2. That a Certified Copy thereof be published in the Lancaster Bee on April 10, 2008;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

File: rvtordchpt46stopsigns208a

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**ARTICLE VIII - Stop Intersections; Non-Intersection Stops; Yield Intersections**

**46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:**

**COUNTRYSIDE SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>SIGN LOCATION</u></b>
Country Place	Sara Lane	N.E. Corner
Country Place	Sara Lane	S.W. Corner

**April 7, 2008**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY** that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 7th day of April, 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 7<sup>th</sup> day of April, 2008.

**\_\_\_\_\_  
Johanna M. Coleman, Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Department of the Town of Lancaster has requested the Town Board to advertise for bids to furnish one (1) new 11' aluminum chipper body with a PTO driven hoist and trailer towing equipment for use by the Town Highway Department, and

**WHEREAS**, the Highway Committee of the Town Board has approved such request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on April 24, 2008 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of one (1) new 11' aluminum chipper body with a PTO driven hoist and trailer towing equipment for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 24<sup>th</sup> day of April, 2008, for furnishing one (1) new 11' aluminum chipper body with a PTO driven hoist and trailer towing equipment for use by the Highway Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore provided a Nutrition Program Congregate Dining Site for the Elderly, and

**WHEREAS**, it is necessary to execute an Agreement between the Town of Lancaster and the County of Erie for the continuance of this program in 2008;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized to execute an Agreement between the Town of Lancaster and the County of Erie for the operation of a Nutrition Program Congregate Dining Site for the Elderly for the year 2008, and

2. That the Director of Administration and Finance be and is hereby authorized to sign vouchers with funds to be received by the Supervisor.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

File: ranutritionprogram2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, New York State Governor will make his annual proclamation declaring the month of May, MOTORCYCLE SAFETY AND AWARENESS MONTH, and

**WHEREAS**, the American Bikers Aimed Toward Education (ABATE OF NEW YORK) will celebrate this event on Saturday, May 3, 2008, wishing to remind all motorists to be more aware of motorcyclists and to respect their right to safely ride on our highways.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster proclaims the month of May as MOTORCYCLE SAFETY AND AWARENESS MONTH in the Town of Lancaster, requesting all motorists to be more aware of motorcyclists and to respect their right to safely ride on our highways.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**BE IT**

**RESOLVED**, that the Supervisor is authorized to execute the Memorandum of Agreement, as presented, between the Town of Lancaster and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Town of Lancaster White Collar Unit of Local No. 815 to modify the current agreement between the parties for a change relative to the position of Youth Court Coordinator

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

Memorandum of Agreement

Between  
Town of Lancaster  
and  
the Civil Service Employees Association, Inc.,  
Local 1000 AFSCME, AFL-CIO  
Town of Lancaster White Collar Unit of Local No. 815

It is hereby agreed that the Agreement between the parties for the period January 1, 2005 – December 31, 2008 shall be modified as follows:

Appendix A – Salary Schedules:

Effective January 1, 2008, the annual salary for the position of Youth Court Coordinator is \$45,365.

\_\_\_\_\_  
Robert H. Giza, Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marsha Cox, President

\_\_\_\_\_  
Date

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Terrence McCracken, General Crew Chief for the Town of Lancaster has researched the acquisition of new copy machines for various Town departments, and

**WHEREAS**, the new copy machines will be acquired from Copier Fax Business Technologies, Inc., 465 Ellicott Street, Buffalo NY 14203 off of NYS Contract Number PC59463 through a Lease Purchase option.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor or his designee be and is hereby authorized to sign a lease agreement dated 3/31/2008 with De Lage Landen Financial Services, Inc. for the lease purchase of several copy machines for various Town departments off the above-mentioned NYS Contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated April 2, 2008, has requested permission for Captain Timothy Murphy, Detective Leon Robak and Detective Donald Lynch to attend the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLLEN) 2008 Information Sharing Conference and Annual Business Meeting in Atlantic City, New Jersey from April 21, 2008 through April 25, 2008.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Captain Timothy Murphy, Detective Leon Robak and Detective Donald Lynch of the Town of Lancaster Police Department be and are hereby authorized to attend the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLLEN) 2008 Information Sharing Conference and Annual Business Meeting in Atlantic City, New Jersey from April 21, 2008 through April 25, 2008, and

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$2,000 with one Officer's attendance reimbursed by the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network(MAGLOCLLEN) and the other two (2) Officer's attendance is to be paid by the Asset Forfeiture Account by the Town of Lancaster, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a vacancy exists in the Town of Lancaster Police Department due to the impending retirement of Karen Freund, Senior Clerk Typist, and

\_\_\_\_\_ **WHEREAS**, this vacancy may be filled by a position title of Clerk Typist, and

**WHEREAS**, Donna Brehm, presently employed as a Clerk Typist in the Town Attorney's Office of the Town of Lancaster, has requested an internal transfer from the Town Attorney's Office to the Police Department, and

**WHEREAS**, this transfer has been agreed upon by both the Town Attorney and the Chief of Police.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Donna Brehm, 25 Quail Hollow, Lancaster, New York 14086 be and is hereby granted an internal transfer to the position of Clerk Typist, full time, permanent, in the Police Department of the Town of Lancaster, effective April 14, 2008, at a salary of \$37,904 as set forth in the 2008 Schedule of Salaries, with continuation of full benefits, including her accrued sick time, vacation time, etc

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., has  
requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the following addition to the membership of the Bowmansville Volunteer Fire Association:

**ADDITION** - Probationary Active Member:

Al Stanton  
3456 Walden Avenue  
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
COUNCIL MEMBER RUFFINO, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, Namco Cybertainment Inc., 877 Supreme Drive, Bensenville, Illinois, has applied for a license to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Chief of Police for review and recommendation, and

**WHEREAS**, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be and is hereby authorized to issue a license to Namco Cybertainment, Inc. to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, Lancaster, New York, and

**BE IT FURTHER**

**RESOLVED**, that said license shall be issued for the **one (1) year period of April 1, 2008 to March 31, 2009** in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$900 for thirteen (13) amusement devices.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster Police Department through the New York State Division of Criminal Justice Services has been awarded a grant for a piece of equipment known as a Total Station that will be used to assist investigators in measurements at fatal and serious motor vehicle accidents and criminal scenes, and

**WHEREAS**, the Chief of Police by letter dated April 2, 2008 has requested that Lt. Ronald Rozler be authorized to attend training in Amherst, New York for use of this equipment.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Lt. Ronald Rozler of the Town of Lancaster Police Department be and is hereby authorized to attend training for the Advance Crash W/Total Station in Amherst, New York, and

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$695, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster has heretofore contracted with Water District No. 1 of the Town of Elma for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road, between Bowen Road and Ransom Road, and which Contract expires March 31, 2008, and

**WHEREAS**, such Contract eliminates the need for the Town of Lancaster Fire Protection District to provide fire hydrants on the north side of Hall Road in the Town of Lancaster, thereby resulting in a saving to the taxpayers of the Town of Lancaster, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to renew said Contract.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster, Erie County, New York, shall hold a public hearing on the question of the execution of a contract between the said Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Towns of Lancaster and Elma shall deem appropriate:

- a) The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefore, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice, each to the other;
- b) The contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No.1 of the Town of Elma, the sum of \$161 per hydrant per year for a total of fifteen (15) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2008 and terminating March 31, 2013; and

- c) The contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require. If such hydrants shall benefit the Town of Lancaster, rental for same to be paid in accordance with Paragraph (b).

2. That said Public Hearing shall be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21<sup>ST</sup> day of April, 2008 at 8:30 o'clock P.M., Local Time, at which time all citizens or parties in interest may be heard upon the said proposed Contract.

3. That the Town Clerk of the Town of Lancaster be directed to publish a Notice of such hearing in the Lancaster Bee and post a copy of the Notice of said Public Hearing on the Town Bulletin Board, said Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**  
**FIRE PROTECTION DISTRICT**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M. , Local Time, on the 21<sup>st</sup> day of April, 2008, upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Boards of the Town of Lancaster and Town of Elma deem appropriate:

- a)** The Contract shall be for a supply of water for fire purposes and for the furnishing, erection, maintenance, care and replacement of fire hydrants within the boundaries of the Town of Elma along the southerly line of Hall Road between Bowen Road and Ransom Road, including the erection and maintenance of markers therefor, for a period of five (5) years, provided, however, that either party may terminate this Agreement upon thirty (30) days' written notice each to the other.
- b)** The Contract shall provide for payment by the Fire Protection District of the Town of Lancaster to Water District No. 1 of the Town of Elma, the sum of \$161 per hydrant per year for a total of fifteen (15) hydrants along the southerly line of Hall Road between Bowen Road and Ransom Road, for a period of five (5) years, commencing April 1, 2008 and terminating March 31, 2013.
- c)** The Contract shall further provide that Water District No. 1 of the Town of Elma shall install additional hydrant or hydrants as future construction shall require, rental for same to be paid in accordance with Paragraph (b).

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**BY ORDER OF THE**  
**TOWN BOARD OF THE**  
**TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Fluid Power Service Corporation, 4474 Walden Avenue, Lancaster, New York 14086, has submitted a Site Plan prepared by DeanSutton Architect dated February 6, 2008 and received February 8, 2008 for the proposed construction of a new 6,900 square foot addition for use as a hydraulic component repair to be located at 4474 Walden Avenue in the Town of Lancaster, and**

**WHEREAS, the Planning Board has reviewed the plan and at its meeting March 5, 2008 has recommended approval of this project, and**

**WHEREAS, a SEQR Review of this project was held April 7, 2008 and a negative declaration was issued at that time;**

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Fluid Power Service Corporation and prepared by DeanSutton Architect dated February 6, 2008 and received February 8, 2008 for the proposed construction of a new 6,900 square foot addition for use as a hydraulic component repair to be located at 4474 Walden Avenue in the Town of Lancaster with the following conditions:

- 1) Subject to approval of landscaping plan by General Crew Chief Terrence McCracken.
- 2) Subject to approval of stormwater drainage plan by NYSDOT and Town Engineer Robert Harris.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 1426 to Claim No. 1735 Inclusive

Total amount hereby authorized to be paid: \$556,041.27

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPNIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

15360	Sun Enterprises Inc	266 Schwartz Rd	Er. Garage	
15366	DelBel, John	9 Harewood Run	Er. Fence	
15367	ABC Hardware	5011 William St	Inst. Generator	
15368	ABC Hardware	218 Hall Rd	Inst. Generator	
15369	Ulrich Sign Co	6375 Transit Rd	Er. Sign-Wall	
15370	Economy Tree Service	6339 Transit Rd	Dem. Dwlg.	
15371	Lorenc, Brian	5528 William St	Dem. Dwlg.	
15372	Marrano/Marc Equity	8 St Davids Rd	Er. Dwlg.-Sin.	
15373	Lakeside Carpentry	28 Ronald Dr	Er. Res. Add.	
15374	O'Brien, Michael	43 Michael Anthony	Er. Pool-Abv Grnd	
15375	Besroi Construction	322 Enchanted Forest	Re-Roof House	
15376	Besroi Construction	37 Hidden Trl	Re-Roof House	
15377	Besroi Construction	85 Michael's Walk	Re-Roof House	
15378	Besroi Construction	3915 Bowen Rd	Re-Roof Garage	
15379	Besroi Construction	3911 Bowen Rd	Re-Roof Garage	
15380	Decks Unlimited Const	5 Muirfield Ln	Er. Deck	
15381	Essex Homes Of WNY	650 Pleasant View Dr	Er. Dwlg.-Sin.	
15382	Wozniak, Gary	6 Willow Ridge Ln	Re-Roof House	
15383	WIF LLC	67 Lake Ave	Replace Roof	(V/L)
15384	Marrano/Marc Equity	53 Avian Way	Er. Dwlg.-Sin.	
15385	Duro Shed Inc	20 Fox Hunt Rd	Er. Shed	
15386	Ziccardi, Ron	5 Huntley Dr	Er. Res. Add.	(V/L)
15387	Ziccardi, Ron	5 Huntley Dr	Er. Garage	(V/L)
15388	Iroquois Fence Inc	6 Dorchester Ct	Er. Fence	
15389	Picket Fence & Exteriors	26 Rehm Rd	Er. Fence	
15390	Iroquois Fence	284 Enchanted Forest	Er. Fence	
15391	Premier Fence Co	4913 William St	Er. Fence	
15392	Capital Fence Inc	25 Greenbriar Dr	Er. Fence	
15393	Schneider, Gary	19 Gale Dr	Er. Pool-Abv Grnd	
15394	Monte Concrete	5813 Broadway	Er. Sign	
15395	Forbes Homes Inc	7 Sawgrass Ln	Er. Dwlg.-Sin.	
15396	Southpaw Construction	5894 Broadway	Re-Roof House	
15397	Moderncraft Home Imp	37 Westwood Rd	Er. Res. Add.	
15398	Moderncraft Home Imp	1171 Penora St	Er. Res. Add.	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 7, 2008

## COMMUNICATIONS & REPORTS:

152. Town of Wales to Town Board -  
Transmittal of resolution opposing proposed NYS legislation altering the certain procedures regarding fire protection districts. DISPOSITION = Received & Filed
153. Lancaster Country Club to Town Clerk -  
Notification of renewal application for liquor license. DISPOSITION = Town Attorney
154. Town of Collins to Town Board -  
Transmittal of resolution opposing amendment to the Real Property Tax Law to replace elected Tax Collectors with appointed tax collectors. DISPOSITION = Received & Filed
155. NYS DEC to Town Attorney -  
Notification of Lead Agency designation regarding proposed Fluid Power addition, 4474 Walden Avenue; comments noted. DISPOSITION = Received & Filed
156. Town of Alden to Town Board -  
Transmittal of resolution memorializing NYS to enact legislation prohibiting text messaging while operating motor vehicle. DISPOSITION = Received & Filed
157. Empire State Development Corporation to Town Board -  
Transmittal of letter noting Governor's continued commitment to Upstate Revitalization Fund. DISPOSITION = Received & Filed
158. Village of Lancaster to Town Board -  
Minutes of meeting held March 18, 2008. DISPOSITION = Received & Filed
159. Village of Lancaster to Town Board -  
Minutes of meeting held March 10, 2008. DISPOSITION = Received & Filed
160. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held Wednesday, April 2, 2008, 9:30 AM in Buffalo. DISPOSITION = Received & Filed
161. Mike Cole, Member of Assembly 142<sup>nd</sup> District to Supervisor -  
Transmittal of letter regarding the speed limit on Town Line Road in the Towns of Alden, Elma, Lancaster, and Marilla. DISPOSITION = Received & Filed
162. NYS Office of Real Property Services to Supervisor -  
Notice of determination for the Residential Assessment Ratio. DISPOSITION = Received & Filed
163. Town of Marilla to Town Clerk -  
Transmittal of resolution urging NYS to retain School Resource Officers assigned by the State Police. DISPOSITION = Received & Filed
164. Highway Superintendent to Town Board -  
Request appointment of John Powell to Light Equipment Operator. DISPOSITION = For Resolution
165. Highway Superintendent to Town Board -  
Request resolution to advertise for bids for aluminum chipper body with hoist and trailer towing equipment; specifications attached. DISPOSITION = Resolution 4/7/2008
166. Dennis H. Gabryszak, Member of Assembly, 143<sup>rd</sup> District to Town Clerk -  
Acknowledgment of receipt of resolution urging prohibition of text messaging while operating a motor vehicle. DISPOSITION = Received & Filed
167. Erie County Department of Public Works, Division of Highways to E.C. Department of Planning & Environment -  
Notification of Lead Agency designation regarding site plan for Fluid Power, 4474 Walden Avenue. DISPOSITION = Received & Filed

168. General Crew Chief to Supervisor -  
Notification of fourteenth annual "March in the Park" to be held in Westwood Park on Saturday, April 26, 2008. DISPOSITION = Received & Filed
169. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notification of no issues regarding the landscape plan for "The Cove at Pleasant Meadows Subdivision". DISPOSITION = Planning Committee
170. Town Attorney to Town Board, Planning Board -  
Notice of SEQR meeting to be held Monday, April 7, 2008, 6:30 PM regarding rezoning application of Pleasant Meadows Neighborhood Business Center and site plan application of Fluid Power. DISPOSITION = Received & Filed
171. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held Monday, April 7, 2008, 6:30 PM regarding rezoning application of Pleasant Meadows Neighborhood Business Center and site plan application of Fluid Power. DISPOSITION = Received & Filed
172. David and Kimberly Mansell to Town Board -  
Letter regarding proposed rezone of parcels on north side of Walden Avenue, east of Walden Trace Subdivision; attachments noted. DISPOSITION = Planning Committee
173. Erie County Department of Environment & Planning to Supervisor -  
Notice of Lead Agency designation regarding site plan of Fluid Power addition, 4474 Walden Avenue; comments and concerns noted. DISPOSITION = Planning Committee
174. NYS DOT to Town Attorney -  
Notice of Lead Agency designation regarding site plan of Fluid Power addition, 4474 Walden Avenue; comments noted. DISPOSITION = Received & Filed
175. NYS DEC to Windsor Ridge Partners, LLC -  
Notice of issuance of permit to commence work at Windsor Ridge South Subdivision. DISPOSITION = Planning Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED**, the meeting was adjourned at 10:11 P.M. in memory of Monica Perna and James Keysa.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk